

D. Maimon Kirschenbaum (DK-2338)  
Charles E. Joseph (CJ-9442)  
JOSEPH & HERZFELD LLP  
757 Third Avenue  
25<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 688-5640  
Fax: (212) 688-2548

Eric B. Kingsley\*  
Kingsley & Kingsley  
16133 Venture Blvd., Suite 1200  
Encino, CA 91436  
Tel. (818) 990-8300  
Fax (818) 990-2903  
\* Seeking Admission *Pro Hac Vice*

*Attorneys for Plaintiffs and proposed  
collective action and class action members*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**BRANDON SALUS, ALAN FELIX  
IPANAQUE CORDOVA, and BRANDON  
RUCKDASHEL on behalf of themselves and  
others similarly situated,**

**Index No. 07cv03142-GBD-DCF**

**Plaintiffs,**

**v.**

**TSE GROUP LLC d/b/a B.B. KING BLUES  
CLUB AND GRILL and TSION  
BENSUSAN**

**Defendants.**

-----X  
**PLAINTIFFS' MOTION FOR CONDITIONAL COLLECTIVE  
CERTIFICATION, COURT FACILITATION OF NOTICE PURSUANT TO 29  
U.S.C. § 216(b) AND A PROTECTIVE ORDER**

Plaintiffs, on behalf of themselves and all others similarly situated, by his undersigned attorneys, hereby move for the following relief in this Fair Labor Standards Act collective action, upon the accompanying Memorandum of Law and annexed materials:

(1) Conditional certification of this action as a representative collective action pursuant to the FLSA, 29 U.S.C. § 216(b) on behalf of all servers employed by Defendants within the last three years ("Covered Employees").

(2) Court facilitated notice (Exhibit A) of this FLSA action to the Covered Employees that includes language correcting Defendants' misrepresentations to potential plaintiffs and a consent form (opt-in form) as authorized by the FLSA (Exhibit B).

(3) Production of names, last known mailing addresses, alternate addresses, telephone numbers, Social Security numbers, work locations, and dates of employment of all Covered Employees.

(4) Posting of the Notice, along with the consent forms, in a place where putative plaintiffs are likely to view it.

(5) A protective order prohibiting Defendants from further communications with putative plaintiffs pertaining to matters covered by this lawsuit.

Dated: New York, New York  
June 26, 2007

Respectfully submitted,

JOSEPH & HERZFELD LLP

By: /s/ D. Maimon Kirschenbaum  
D. Maimon Kirschenbaum (DK-2338)

Charles E. Joseph (CJ-9442)

757 Third Avenue

25<sup>th</sup> Floor

New York, NY 10017

Tel: (212) 688-5640

Fax: (212) 688-2548

*Attorneys for Plaintiff, proposed collective  
action members and proposed class*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**BRANDON SALUS, ALAN FELIX  
IPANAQUE CORDOVA, and BRANDON  
RUCKDASHEL on behalf of themselves and  
others similarly situated,**

**Index No. 07cv03142-GBD-DCF**

**Plaintiffs,**

**v.**

**TSE GROUP LLC d/b/a B.B. KING BLUES  
CLUB AND GRILL and TSION  
BENSUSAN**

**Defendants.**

-----X

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of Plaintiff's Motion for Conditional Collective Certification Pursuant to 29 U.S.C. § 216(b), and Defendants' response thereto, if any, it is hereby ORDERED, that Plaintiff's Motion is GRANTED.

\_\_\_\_\_  
Judge George B. Daniels